

By Email

February 13, 2018

Chris Hladick, Regional Administrator
United States Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

Dear Mr. Hladick:

Re: Upper Columbia River/Lake Roosevelt Site

I am writing further to my colleague Marcia Smiths' letter of today. Like Marcia, I would like to thank you again for taking the time to meet with us and for the helpful discussion on the remedial investigation and feasibility study ("RI/FS") underway in the Upper Columbia River. I do want to follow up and provide some greater detail regarding some of our process and substantive concerns regarding recent developments in the RI/FS process.

In summary we have serious concerns regarding recent developments, and the actions, technical direction, and decision-making of the Region 10 staff responsible for the UCR Site. As I mentioned at the meeting, the 2006 Settlement Agreement under which Teck American Inc. ("TAI") is performing the RI/FS, calls for the RI/FS to be designed and conducted in accordance with the principles of "risk-based analysis, bio availability, empirical testing and field confirmation". Despite millions of dollars invested to develop bioavailability-based understanding of the potential risks of metals in UCR sediments in accordance with the Settlement Agreement and best available science, it appears to us that Region 10 staff may have pre-judged the risk assessment outcome, and have arbitrarily fixed on "hot spot" removal based on sediment management standards as the remedial solution for the site. We strongly suggest that this conclusion is premature, taking into account the terms of the Settlement Agreement and the state of knowledge concerning the site based on the RI/FS work to date. For one thing, what is considered "hot" should depend on bioavailability, a question that has yet to be determined through the development of relevant standards in the risk assessment process. The heart of what we are exploring is - does marginal eco-toxicity to some benthic organisms really rise to the level of "unacceptable" ecological risk in an enormous system that doesn't have a benthic-driven food web? This is the key question that would be answered by the Baseline Ecological Risk Assessment (BERA).

Instead of moving forward with the completion of the BERA, we are now being asked to conduct yet *another* sediment sampling program this summer. I would note that the last sediment sampling program that EPA directed cost \$5 million and took 5 years.

I realize that it is a daunting task to evaluate the technical issues at play, and to assess the relative merits of the views exchanged during our meeting and the issues outlined above regarding the path forward to completing the RI/FS. We firmly believe that it is in the best interest of all parties to bring the investigation phase of the RI/FS to a close expeditiously through completion of the baseline ecological and human health risk assessments in a manner that will provide a robust technical basis on which EPA can make appropriate determinations with respect to any necessary remedial activity in accordance with the risk-based principles of bio-availability contemplated by our 2006 settlement agreement.

We are disappointed with the parallel process being pursued by Region 10 staff, on the basis of data generated outside of the RI/FS, without TAI input, and the resulting directive to conduct yet another extensive sediment sampling campaign based on the Washington State sediment management standards. This approach invites conflict, waste and delay. TAI remains committed to continuing to meet its obligations under the Settlement Agreement as the work-performing party, and is fully prepared to evaluate whether there may still be material data gaps, and to conduct the ecological risk assessment that can focus further appropriate work at the site.

Again, we appreciate having had the opportunity to meet with you. We do not raise these concerns as a means to avoid responsibility, and we do not raise them at your level of leadership lightly. We raise them because we believe we are at a critical point in the RI/FS, where the decision-making over the very near term will determine whether the best science and public policy is used to make decisions regarding the site. Despite our concerns, we hope that we are able to work with your staff to put the RI/FS process back on a more constructive path, and to build on the excellent work done to date.

Yours sincerely,



Peter Rozee

Senior Vice President, Commercial and Legal Affairs

Cc: Sheryl Bilbrey, Director, Office of Environmental Cleanup, Environmental Protection Agency
Marcia Smith, Senior Vice President, Sustainability and External Affairs
Kris McCaig, Manager, Environment and Public Affairs
Christian Baxter, Director, Environmental Performance
Tom Syer, Head, Government Affairs